

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,  
*et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**URGENT MOTION OF THE OFFICIAL COMMITTEE  
OF RETIRED EMPLOYEES OF THE  
COMMONWEALTH OF PUERTO RICO FOR EXPEDITED HEARING**

The Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the “**Retiree Committee**”), respectfully files this urgent motion (the “**Urgent Motion**”) to expedite consideration of the Retiree Committee’s motion for entry of an order directing the Commonwealth of Puerto Rico (the “**Commonwealth**”) to comply with this Court’s Interim Compensation Order<sup>2</sup> (the “**Payment Motion**”), filed contemporaneously herewith. In support of this Urgent Motion, the Retiree Committee states as follows:

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<sup>1</sup> The Debtors in these jointly-administered PROMESA Title III Cases, along with each Debtor’s respective Title III Case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are: (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric and Power Authority (Bankruptcy Case No. 17 BK 4780) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as bankruptcy case numbers due to software limitations).

<sup>2</sup> Capitalized terms not otherwise defined herein have the meaning provided in the Payment Motion.

### **Background**

1. Pursuant to Orders of this Court, the Retiree Committee employed the law firms of Jenner & Block LLP and Bennazar, Garcia & Milián, C.S.P. as its legal counsel, FTI Consulting as its financial advisors, Segal Consulting as its actuarial advisors, and Marchand ICS as its Information Agent (collectively, the “**Retiree Committee’s Professionals**”). [See Dkt. Nos. 1002, 1003, 1004, 1413, 1415.] Jenner, Bennazar, FTI, and Segal have been providing services to the Retiree Committee since June 2017. Marchand has been providing services to the Retiree Committee since July 2017.

2. As set forth in the Payment Motion, each of the Retiree Committee’s Professionals are entitled to 90% of the fees and 100% of the expenses requested in their timely submitted Monthly Fee Statements. The Commonwealth has not paid the Retiree Committee’s Professionals for *any* of their more than six months of work.

3. By contrast, upon its review of the fee applications filed on December 15, 2017, the Retiree Committee was made aware professionals for AAFAF and for the FOMB and certain other professionals had been paid by the Commonwealth. The Retiree Committee was unaware of the extent of these payments prior to December 15, 2017.

4. The Retiree Committee’s Professionals have worked in earnest with counsel for AAFAF and the FOMB to resolve this issue without motion practice. Despite assurances that payment would be made, as of the filing of this Motion, the Retiree Committee’s Professionals remain unpaid. The Retiree Committee advised both AAFAF and the FOMB in advance of filing the Motion and hope that this matter can still be resolved consensually without the need for Court intervention, but under the current time constraints, the Retiree Committee felt compelled to file this Motion at this time.

5. This situation is particularly difficult on the Retiree Committee's co-counsel in Puerto Rico, whose offices were destroyed by Hurricane Maria and who are trying to rebuild those offices.

**Relief Requested**

6. By this Urgent Motion, the Retiree Committee respectfully requests the Court expedite consideration of the Payment Motion.

**Certification Pursuant to Local Rule 9013-1 and Section I.H of the Third Amended Case Management Procedures**

7. Pursuant to Local Rule 9013-1(a), the Retiree Committee's Professionals certify that they have carefully examined the matter and concluded that there is a true need for the Court to expedite consideration of the Payment Motion in order for the Retiree Committee's Professionals to be paid by year-end.

8. The Retiree Committee's Professionals further certify that they have not created the urgency through lack of due diligence—to the contrary, the Retiree Committee's Professionals have worked in earnest with counsel for AAFAF and the FOMB to resolve this issue without motion practice or a hearing. Despite assurances that payment would be made, however, the Retiree Committee's Professionals remain unpaid as of the filing of this Urgent Motion. The Retiree Committee's Professionals consent to the Court's entry of an order granting the relief requested in the Payment Motion without the need for hearing, but if the Court determines a hearing is required to determine the Payment Motion, Retiree Committee's Professionals request to be heard at the Court's earliest availability.

9. Pursuant to Section I.H. of the Third Amended Case Management Procedures [Dkt. No. 1512], the Retiree Committee's Professionals certify that they have engaged in reasonable, good-faith communications with interested parties.

WHEREFORE, the Retiree Committee's Professionals respectfully requests the Court expedite consideration of the Payment Motion.

December 22, 2017

JENNER & BLOCK LLP

By:

/s/ Robert Gordon

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Respectfully submitted,

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